

## **Statutory Authority for the Florida MPOAC**

By statute the Florida Legislature established the Florida Metropolitan Planning Organization Advisory Council.

### **Section 339.175 (10) Metropolitan Planning Organization Advisory Council**

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to the council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.
2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.
3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.
4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.
5. Assist M.P.O.s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.
6. Serve as a clearinghouse for review and comment by M.P.O.s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.
7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.
8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

## **Rule Chapter 35-1**

### **Metropolitan Planning Organization Advisory Council**

**35-1.001 Definitions.** As used in this chapter, the following terms shall be defined as follows:

(1) "MPO" shall mean and refer to a metropolitan planning organization as provide for in 23 U.S.C. Section 134 and Section 339.175, Florida Statutes.

(2) "MPOAC" shall mean the State of Florida, Metropolitan Planning Organization Advisory Council as provided for in Section 339.175, Florida Statutes.

(3) "Record" shall include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristic, made or received pursuant to law or ordinance or in connection with the transaction of official business by the MPOAC. A record shall be as specified in Section 119.011, Florida Statutes, or as determined pursuant to judicial interpretation of Chapter 119, Florida Statutes.

### **35-1.002 Agency Functions and Responsibilities.**

(1) The MPOAC Governing Board shall consist of one representative from each of the following metropolitan planning organizations:

Bay County TPO	Martin MPO
Space Coast TPO	METROPLAN Orlando
Broward MPO	Miami-Dade MPO
Capital Region TPO	North Florida TPO
Charlotte County-Punta Gorda MPO	Ocala/Marion County TPO
Collier County MPO	Okaloosa-Walton TPO
Florida-Alabama TPO	Palm Beach MPO
Gainesville MTPO	Pasco County MPO
Hernando County MPO	Pinellas County MPO
Hillsborough County MPO	Polk TPO
Indian River County MPO	Sarasota/Manatee MPO
Lake-Sumter MPO	St. Lucie TPO
Lee County MPO	Volusia County MPO

(2) Each metropolitan planning organization shall appoint one (1) representative and one (1) alternate representative to serve on the MPOAC. The term for a representative and an alternate representative shall be from January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year. By no later than December 31<sup>st</sup> of each calendar year, each metropolitan planning organization shall appoint its representative to the MPOAC to serve for the succeeding calendar year. No individual shall be eligible to vote on the MPOAC until the individual appointing metropolitan planning organization certifies in writing to the MPOAC that such individual is authorized to act as the representative or alternate representative of the certifying metropolitan planning organization. Each representative and each alternate representative of a metropolitan planning organization shall serve at the pleasure of the appointing metropolitan planning organization; provided, that a representative or an alternate representative on the MPOAC governing board must at all times be

a representative sitting on the governing board of the appointing metropolitan planning organization.

(3) The MPOAC is created to work in cooperation with the Florida Department of Transportation and each individual metropolitan planning organization created pursuant to Section 339.175, Florida Statutes, to assist the State and the MPOs in carrying out the continuing, cooperative, and comprehensive urbanized area transportation planning process.

(4) The powers of the agency and the governing board include:

(a) Entering into contracts with individuals, private corporations, and public agencies;

(b) Acquiring, owning, operating, maintaining, selling, or leasing personal property essential for the conduct of business;

(c) Accepting funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources;

(d) Establishing bylaws and making rules to effectuate its powers, responsibilities, and obligations;

(e) Assisting metropolitan planning organizations in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law; and

(f) Serving as a clearinghouse for review and comment by metropolitan planning organizations on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning instituted pursuant to statute.

*Specific Authority 120.53(1)(a), 339.175(10) FS. Law Implemented 120.53(1)(a), 339.155(5), 339.175(10), FS. History NEW 7-6-94.*

### **35-1.003 Description of the Agency Organization and Operational Procedures.**

(1) The governing board of the MPOAC is composed of a twenty-five (25) member governing board. Each individual metropolitan planning organization selects one representative and one alternate representative to serve on the governing board. Alternate representatives shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the MPOAC governing board, only in the absence of the representative that the alternate has been appointed to serve in place of; provided, however, that alternate representatives may always attend governing board meeting and participate in debate.

(2) Advisory Committees; Executive Director; General Counsel; Agency Clerk. In addition to the governing board the MPOAC will be composed of one (1) advisory committee, and its subcommittees, to the governing board of the MPOAC and staffed by the MPOAC executive director, agency clerk, and general counsel.

(a) Advisory Committee. The advisory committee is the staff directors' advisory committee. The staff directors' advisory committee is responsible for providing guidance to the MPOAC regarding transportation issues and may assist in the preparation of the MPOAC agenda. In addition, the staff directors' advisory committee may serve as a forum for the discussion and formulation of recommendations to the governing board which will later be forwarded to appropriate governmental bodies or other individuals. Recommendations shall relate to statewide concerns regarding all transportation-related issues.

(b) Executive Director. The MPOAC Governing Board may appoint an executive director. The executive director shall be responsible for carrying out policy determinations and directives of the MPOAC governing board. The executive director shall serve as an ex officio

member of the staff directors' advisory committee and its subcommittees and shall assist and participate in their functions.

(c) Agency Clerk. The Executive Director shall also serve as the agency clerk. The address and telephone number of the agency clerk shall be the same as for the principal office of the MPOAC. The duties and responsibilities of the agency clerk shall be to: index and file orders and rules in a manner not inconsistent with applicable provision of Chapter 120, Florida Statutes, and the Florida Rules of Appellate Procedure; send notices of workshops and meetings; transcribe minutes of the governing board, committee, and subcommittee meetings and workshops; maintain all agency files and records; make certifications of true copies and actions; attest to the signature of MPOAC officers; and perform such other duties as determined by the MPOAC.

(d) General Counsel. The MPOAC governing board may employ a general counsel. The general counsel shall be responsible for assisting the MPOAC in legal matters and representation of the MPOAC in legal proceedings. The governing board shall also retain special legal counsel from time to time as necessary for the handling of specialized legal matters.

(3) Open Meetings. All meeting of the governing board, its advisory committee, and any sub-committee, will be open to the public, except as provided by Section 286.011 and 447.605, Florida Statutes, and applicable Federal law, if any.

(4) Records. All MPOAC records shall be open to the general public, unless such records are subject to an exemption from Chapter 119, Florida Statutes, or are confidential as required by law. The general public can review, or obtain copies of records (provided said public records are not non-reproducible pursuant to 17 U.S.C. Section 101 et seq.), unless said records are exempt or confidential pursuant to Section 119.07, Florida Statutes, or other provisions of Federal or Florida law. Charges for copies may be made pursuant to Section 119.07(1)(a) and 119.08, Florida Statutes. Public records shall be made available to the public for inspection at the principal office of the MPOAC.

(5) Principal office of the MPOAC. The principal office of the MPOAC is located at 605 Suwannee Street, Tallahassee, Florida. The office is open between the hours of 8:00 a.m. and 5:00 p.m. during regular business days. The official mailing address of the agency is 605 Suwannee Street - Mail Station 28B, Tallahassee, Florida, 32399-0450. The MPOAC executive director and agency clerk are located at the principal office. MPOAC official records shall be maintained in the principal office of the MPOAC. Interested parties may receive copies of agency records from the agency clerk at the principal office of the MPOAC.

*Specific Authority 120.53(1)(a), 339.175(10) FS. Law Implemented 119.07, 119.08, 120.53(1)(a), 339.175(10) FS. History BNew 7-6-94, Amended 7-2-95.*

### **35-1.004 Organization of the Governing Board**

(1) The MPOAC governing board shall at its first meeting of the calendar year elect a chairperson and vice-chairperson, as its officers. The chairperson and vice-chairperson shall take office as of the time and date set for the MPOAC governing board meeting in July and shall serve until the time and date set for the beginning of the MPOAC governing board meeting in July of the next succeeding year, or until a successor is thereafter elected. The chairperson and vice-chairperson must at all times during their term of office be members of the MPOAC governing board. If a vacancy occurs in any office, the MPOAC governing board shall fill the vacancy, and the individual filling the vacancy shall serve until time set for the beginning of the July MPOAC governing board meeting, or until a successor is thereafter elected.

(2) Chairperson; Vice-Chairperson. The chairperson of the MPOAC shall call and preside at all meetings of the MPOAC governing board. The chairperson is authorized to execute on behalf of the MPOAC all documents which have been approved by the MPOAC governing board. The vice-chairperson shall serve as chairperson in the absence of the chairperson.

(3) Quorum. At least seven (7) of the voting members of the MPOAC governing board must be present for the MPOAC governing board to conduct business. All votes must pass by a vote of a majority of those members present or by five (5) votes, whichever number shall be greater.

(4) Procedures. Roberts Rules of Order as revised shall be used to govern proceedings of the MPOAC board.

(5) Meetings. The MPOAC shall meet no less often than on the fourth Thursday in the months of January, April, July, and October of each year, unless said meeting is cancelled by the chairperson. The chairperson shall be empowered to cancel any of the foregoing regular meetings, as necessary. Special meetings shall be called by the governing board chairperson or through a letter of petition from at least four (4) members; provided, that the notice requirements of Rule 35-1.006 are satisfied. This letter shall state the purpose of the special meeting.

*Specific Authority 120.53(1)(a), 339.175(10) FS. Law Implemented 120.53(1)(a), 339.175(10) FS. History - New 7-6-94.*

### **35-1.005 Staff Directors' Advisory Committee and Subcommittees.**

(1) The MPOAC staff directors' advisory committee shall be comprised of one staff member from each of the metropolitan planning organizations listed in Rule 35-1.001. The staff directors' advisory committee consists of twenty-five (25) voting members. One (1) member to serve on the staff directors' advisory committee shall be designated by each metropolitan planning organization. In addition, each metropolitan planning organization that designates a representative to the staff directors' advisory committee shall also designate one (1) alternate representative. Alternate representatives shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the staff directors' advisory committee only in the absence of the representative that the alternate has appointed to serve in place of; provided, however, that alternate representatives may also attend committee meeting and participate in debate.

(2) The term of service on the staff directors' advisory committee shall be for a period of time beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of each year. Members and alternate members are eligible for reappointment. By no later than December 31<sup>st</sup> of each calendar year, each metropolitan planning organization shall designate its representatives and an alternate representative to the MPOAC.

(3) No individual shall be eligible to vote on the staff directors' advisory committee until the individual appointing metropolitan planning organization certifies in writing to the MPOAC that such individual is authorized to vote as the representative, or alternate, of the certifying entity. Each member and alternate member of the committee shall serve at the pleasure of the appointing metropolitan planning organization.

(4) Officers. The officers of the staff directors' advisory committee shall be the chairperson and the vice-chairperson. The chairperson and vice-chairperson shall be selected by a majority vote of the membership of the staff directors' advisory committee present and voting. The term of the chairperson and vice-chairperson shall coincide with the term of the chairperson and vice-chairperson of the MPOAC governing board. The chairperson and vice-chairperson shall be members of the staff directors' advisory committee.

(5) Chairperson; Vice-Chairperson. The chairperson of the staff directors' advisory committee shall call and preside at all meetings of the staff directors' advisory committee. The chairperson is authorized to implement on behalf of the staff directors' advisory committee all decisions which have been approved by the staff directors' advisory committee, and the chairperson is authorized to execute on behalf of the staff directors' advisory committee all documents which have been approved by the staff directors' advisory committee. The vice-chairperson shall serve as chairperson in the absence of the chairperson.

(6) Agenda preparation. The executive director is responsible for the preparation of agendas for future meetings.

(7) Quorum. At least seven (7) of the voting members of the staff directors' advisory committee must be present for the staff directors' advisory committee to conduct business. All votes must pass by a vote of a majority of those members present or by five (5) votes, whichever number shall be greater.

(8) Procedures. Roberts Rules of Order as revised shall be used to govern proceedings of the staff directors' advisory committee and its subcommittees.

(9) Meetings. Regular meetings of the staff directors' advisory committee shall be held at least once each calendar year quarter on the fourth Thursday of January, April, July, and October, unless cancelled by the chairperson. The chairperson may cancel a meeting as a result of a lack of business to bring to the committee. The chairperson shall set the time and location of regular meetings. Special meetings shall be called by the staff directors' advisory committee chairperson or through a letter of petition from at least four (4) members; provided, that the notice requirements of Rule 35-1.006 are satisfied. This letter shall state the purpose of the special meeting.

(10) Subcommittees may be established by the chairperson or by a majority vote of those voting at a staff directors' advisory committee meeting as necessary to assist the staff directors' advisory committee. Sub-committee members shall be appointed by the committee chairperson. *Specific Authority 339.175(10) FS. Law Implemented 339.175(10) FS. History BNew 7-6-94, Amended 7-2-95.*

### **35-1.006 Notice of Meetings and Workshops.**

(1) MPOAC Governing Board Meetings.

(a) Except in the case of emergency meeting, the MPOAC agency clerk shall give written notice that will ensure receipt of said notice by all members and the general public at least seven (7) days prior to any non-emergency meetings or workshops. In addition, the MPOAC shall prepare and make available said notice: for distribution on request to any interested person who pays the reasonable cost for a copy of said notice; to any person named in said notice; and to any class of individuals to whom action is directed. Meeting notices shall be advertised in the Florida Administrative Weekly at least seven (7) days prior to any non-emergency meeting.

(b) Notices of regular meetings and travel and accommodation information shall be sent to governing board members thirty (30) days prior to the meeting date.

(c) The notice of meetings or workshops shall, at a minimum, provide:

1. The date, time, and place of the meeting or workshop.
2. A brief description of the purpose of the event.
3. The address where interested persons can write to obtain a copy of the agenda.

(d) The MPOAC shall utilize the following form for providing notice of meetings or workshops:

**NOTICE OF PUBLIC MEETING OR WORKSHOP**

The Metropolitan Planning Organization Advisory Council (MPOAC) announces a public meeting [or workshop] of governing board to which all interested person are invited.

DATE AND TIME:

PLACE:

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A copy of the agenda may be obtained by writing to the Metropolitan Planning Organization Advisory Council [insert address], Florida, or appearing in person at the above address.

If a person decides to appeal any decision made by the agency with regard to any matter considered at such meeting or hearing, said person will need a record of the proceedings, and that, for such purpose, said person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, s. 286.0105, F.S.

(2) Staff Directors' Advisory Committee. The provisions of sub-sections (1)(a), (c) and (d) above shall apply to the staff directors' advisory committee and its subcommittees. The form of notice for the staff directors' advisory committee and its subcommittees shall be in the same form as that set forth above in sub-section (1)(d), except that the notice shall make reference to a meeting/workshop of the staff directors' advisory committee or one of its subcommittees, as appropriate, rather than the MPOAC governing board.

*Specific Authority 339.175(10), FS. Law Implemented 120.53(1)(d), 120.54(1)(a), 286.0105, 339.175(10) FS. History - New 7-6-94, Amended 7-2-95.*

**35-1.007 Agenda.**

(1) At least fifteen (15) days prior to a meeting or workshop, the MPOAC executive director shall prepare, and the agency clerk shall make available an agenda for the MPOAC governing board, an advisory committee meeting, or a subcommittee meeting: for distribution on request by any interested person who pays the reasonable cost for a copy of said agenda; to any person named in said agenda; and to any class of individuals to whom the intended action is directed.

(2) The agenda shall list the items in the order they are to be considered; provided, however, that for good cause stated in the record by the person who is designated to preside at the event, items may be considered out of their listed order.

(3) The agenda shall be specific as to items to be considered. All matters involving the exercise of agency discretion and policy making shall be listed on the agenda. The agenda shall include a disclaimer as required pursuant to Section 286.0105, Florida Statutes. Any items added to any agenda as "old business," "new business," "other business," other matters which may come before the agency," or similar terms shall be for consideration of solely ministerial or internal-administrative matters, which do not affect the interests of the public generally.

(4) Any person desiring to have an item placed on the agenda of a meeting of the MPOAC governing board, an advisory committee, or a subcommittee, shall request in writing that the item be considered at the next regularly scheduled meeting of the MPOAC governing board, advisory committee, or a subcommittee, as appropriate; provided, however, that such request must be received thirty (30) days in advance of said regularly scheduled meeting. Written

requests for placing an item on the agenda must describe and summarize the item and shall be mailed or hand delivered to the MPOAC executive director.

### **35-1.008 Emergency Meeting**

(1) The MPOAC, an advisory committee, or one of its subcommittees, may hold an emergency meeting, notwithstanding the provisions of Rules 35-1.006 and 35-1.007, for the purpose of acting upon matters affecting the public health, safety, or welfare. The form of notice shall be as set forth in Rule 35-1.006(1)(c) and (d). The form of the agenda shall be as prescribed in Rule 35-1.007(2) and (3).

(2) Whenever an emergency meeting is scheduled to be held, the agency clerk shall notify, as soon as possible prior to the meeting, at least one major newspaper of general circulation in the area where the meeting will take place, stating the time, date, place and purpose of the meeting or workshop.

(3) Following an emergency meeting the agency clerk shall cause to be published in a publication prescribed by Section 120.54(1), Florida Statutes, notice of the time, date, and place of the meeting, a statement setting forth the reasons why an emergency meeting was necessary, and a statement setting forth the action taken at the meeting.

*Specific Authority 120.53(1)(d), 339.175(10) FS. Law Implemented 102.53(1)(d) FS. History - New 7-6-94, Amended 7-2-95.*